

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Rule making related to contracts

The Human Services Department hereby amends Chapter 2, “Contracting Out Department of Human Services Employees and Property,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 218.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 225C.4.

Purpose and Summary

The Department is updating the administrative rules for entering into contracts with Department employees in a service program or for the use of buildings and grounds of state institutions. This will allow the rules to come into alignment with current practices and will also eliminate outdated definitions.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on December 29, 2021, as **ARC 6116C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Council on Human Services on February 10, 2022.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to rule 441—1.8(17A,217).

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on May 1, 2022.

The following rule-making actions are adopted:

ITEM 1. Amend rule ~~441—2.1(23A,225C)~~, definitions of “Division,” “Lessee,” “State institutions” and “Superintendents,” as follows:

“*Division*” includes the divisions of mental health and ~~developmental disabilities~~ disability services; and adult, children and family services.

“*Lessee*” means a nonprofit provider of services or other approved activity or other nonprofit entity as defined by Iowa Code chapter 504A that has been permitted to lease space in certain buildings or grounds on one or more of the mental health institutes, state ~~hospital schools~~ resource centers, the ~~Iowa Juvenile Home at Toledo, Iowa, or the State Training School~~ state training school at Eldora, Iowa, or the civil commitment unit for sexual offenders at Cherokee, Iowa, from the department.

“*State institutions*” (also referred to as campuses), for the purposes of this chapter, include: the Glenwood and Woodward state ~~hospital schools~~ resource centers; the Cherokee, ~~Clarinda, and Independence, and Mt. Pleasant~~ mental health institutions; ~~the Iowa Juvenile Home in Toledo; and the State Training School~~ state training school in Eldora; and the civil commitment unit for sexual offenders in Cherokee.

“*Superintendents*” are the administrators of these state institutions as defined by Iowa Code chapter 218 as well as those administrators appointed by the director of the department of human services pursuant to Iowa Code ~~chapters chapter 233A and 233B~~ at the ~~Iowa Juvenile Home in Toledo and the State Training School~~ state training school in Eldora.

ITEM 2. Amend subrule 2.5(1) as follows:

2.5(1) Referral to contract manager: A campus superintendent or designee may show available space to a potential lessee but has no authority to approve any leasing arrangements or to commit buildings or grounds to potential lessees. Superintendents shall notify the contract manager if contacted by a potential lessee. If space is available or expected to be available on the campus, the superintendent shall direct all entities interested in pursuing lease arrangements to ~~write~~ contact the contract manager in the department’s central office.

ITEM 3. Amend subrule 2.5(3) as follows:

2.5(3) Evaluation of proposals. The contract manager, in collaboration with the respective division administrator and the respective superintendents, shall evaluate all proposals to determine if they meet the general principles identified above. The ~~contract manager~~ division administrator, in collaboration with the respective superintendent(s), shall recommend whether to proceed with the leasing process to the director or designee. The contract manager shall notify the potential lessee in writing of the director’s or designee’s decision and, if applicable, identify the reasons for denial. All decisions are considered final and binding and are not subject to appeal.

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 3/9/22.